

R430-90-2 and R430-50-2: DEFINITIONS

Purpose

This section provides definitions of words that are used multiple times in the rules.

General Information

Although findings are not issued to the definitions, some enforcement has been listed to provide information on how rules with one or more of these words will be enforced.

Licensed Family 90-2 and Residential Certificate 50-2:

- (1) **"Body fluid"** means blood, urine, feces, vomit, mucus, and saliva.

Rationale / Explanation

Body fluids can spread disease. For this reason there are rules related to the proper handling of body fluids.

Licensed Family 90-2:

- (2) **"Caregiver"** means a person in addition to the licensee or substitute, including an assistant caregiver, who provides direct care to a child in care.

Rationale / Explanation

Licensing rules specify criteria for caregivers, including, age, training, and background clearances. Licensing rules also specify various duties caregivers must perform.

Residential Certificate 50-2:

- (2) **"Certificate holder"** means the person holding a Department of Health child care certificate.

Rationale / Explanation

The Certificate Holder is ultimately responsible for all aspects of the facility's operation, and for compliance with the licensing rules.

Licensed Family 90-2 and Residential Certificate 50-2:

- (3) **"Department"** means the Utah Department of Health.

Rationale / Explanation

The Utah Department of Health has the legal responsibility for regulating child care providers, as outlined in Utah Code, Chapter 26, Title 39.

Licensed Family 90-2 and Residential Certificate 50-2:

- (4) **"Emotional abuse"** means behavior that could impair a child's emotional development, such as threatening, intimidating, humiliating, or demeaning a child, constant criticism, rejection, profane language, and inappropriate physical restraint.

Rationale / Explanation

Emotional abuse is prohibited in child care programs, including when disciplining children. These prohibited methods of discipline are considered psychologically and emotionally abusive, and can easily become physically abusive as well. Research has linked corporal punishment with negative effects such as later criminal behavior and learning impairments. *CFOC, 3rd Ed. pgs. 75-76 Standard 2.2.0.9*

Licensed Family 90-2 and Residential Certificate 50-2:

(5) "Health care provider" means a licensed professional with prescriptive authority, such as a physician, nurse practitioner, or physician's assistant.

Licensed Family 90-2 and Residential Certificate 50-2:

(6) "Inaccessible to children" means:

- (a) locked, such as in a locked room, cupboard or drawer;
- (b) secured with a child safety device, such as a child safety cupboard lock or doorknob device;
- (c) behind a properly secured child safety gate;
- (d) located in a cupboard or on a shelf more than 36 inches above the floor; or
- (e) not in any location in a bathroom where a child could reach, including by climbing on a toilet, bathtub, or counter.

Rationale / Explanation

The purpose of this rule is to ensure that children do not have access to harmful items.

Enforcement

If a key or combination lock is used to make a room or item inaccessible, the key hole or combination pad must be on the side the care of children is taking place. Locks that use a coin or allen wrench will be treated like key locks for all items except firearms.

When using a latch or lock, other than a key or combination lock, the lock must be at least 60 inches high to make items inaccessible.

When using devices to make rooms, cupboards, drawers or items inaccessible, the device must be specifically manufactured as a child safety device.

Items will be considered inaccessible to children if they are at the back of counters/shelves that are at least 36" high and 24" deep.

If children sleep while in care, items will be considered inaccessible if they are on counters/shelves that are at least 36" up from the surface on which a child in care sleeps.

Measurements will be taken with a wood or metal measuring device and ½ inch allowance will be given for consistency.

Bathrooms used by children will be assessed for all items required to be inaccessible. The measurements will be taken from any location where the child could reach the item including by climbing on a toilet, bathtub, counter, cart, etc. Chairs, step-stools and ladders will be moved to measure accessibility of items.

Properly secured child safety gates are considered a child safety device.

Licensed Family 90-2 and Residential Certificate 50-2:

(7) "Infant" means a child aged birth through 11 months of age.

Licensed Family 90-2 and Residential Certificate 50-2:

(8) "Infectious disease" means an illness that is capable of being spread from one person to another.

Licensed Family 90-2:

(9) "Licensee" means the person holding a Department of Health child care license.

Rationale / Explanation

The Licensee is ultimately responsible for all aspects of the facility's operation, and for compliance with the licensing rules.

Licensed Family 90-2:

(10) "Over-the-counter medication" means medication that can be purchased without a written prescription. This includes herbal remedies and vitamins and mineral supplements.

Residential Certificate 50-2:

(9) "Over-the-counter medication" means medication that can be purchased without a written prescription. This includes herbal remedies and vitamins and mineral supplements.

Enforcement

Unless any of these are prescription strength, medications do not include: topical antiseptic cream or ointment, diaper cream, sunscreen, baby powder, lotion, teething gel or tablets, saline-only eye drops, simethicone gas drops or pills, glucose tablets, hydrocortisone cream, acne creams or treatments, lip care products, and rehydration solutions such as Pedialyte.

Licensed Family 90-2:

(11) "Parent" means the parent or legal guardian of a child in care.

Residential Certificate 50-2:

(10) "Parent" means the parent or legal guardian of a child in care.

Licensed Family 90-2:

(12) "Physical abuse" means causing non-accidental physical harm to a child.

Residential Certificate 50-2:

(11) "Physical abuse" means causing non-accidental physical harm to a child.

Rationale / Explanation

Physical abuse is prohibited in child care facilities, including when disciplining children.

Licensed Family 90-2:

(13) "Preschooler" means a child aged 2 through 4, and 5 year olds who have not yet started kindergarten.

Residential Certificate 50-2:

(12) "Preschooler" means a child aged 2 through 4, and 5 year olds who have not yet started kindergarten.

Licensed Family 90-2:

(14) "Provider" means the licensee, a substitute, a caregiver, or an assistant caregiver.

Residential Certificate 50-2:

(13) "Provider" means the certificate holder or a substitute.

Licensed Family 90-2:

(15) "Related children" means children for whom a provider is the parent, legal guardian, step-parent, grandparent, step-grandparent, great-grandparent, sibling, step-sibling, aunt, step-aunt, great-aunt, uncle, step-uncle, or great-uncle.

Residential Certificate 50-2:

(14) "Related children" means children for whom a provider is the parent, legal guardian, step-parent, grandparent, step-grandparent, great-grandparent, sibling, step-sibling, aunt, step-aunt, great-aunt, uncle, step-uncle, or great-uncle.

Licensed Family 90-2:

(16) "Sanitize" means to reduce the number of germs on a surface to such a level that disease transmission by that surface is unlikely.

Residential Certificate 50-2:

(15) "Sanitize" means to reduce the number of germs on a surface to such a level that disease transmission by that surface is unlikely.

Rationale / Explanation

Sanitizing is used to remove disease-spreading germs from surfaces. This procedure is less rigorous than disinfecting, and is used for food preparation and removing germs from items that may be put in a child's mouth. For a surface to be considered sanitary, the number of germs must be reduced to such a level that transmitting a disease by that surface is unlikely. Sanitizers should not be sprayed when children are near enough to inhale the sanitizer.

Enforcement

Surfaces must be clean before they are sanitized, because surfaces cannot be effectively sanitized unless they are first clean. If used as specified by the manufacturer, any product that has manufacturer instructions for how to use it as a sanitizer will be accepted as a sanitizing solution.

Although not required by licensing, many providers choose to sanitize with a bleach solution. An effective sanitizing solution can be made by mixing ½ tablespoon of liquid chlorine bleach in 1 gallon of water, or ½ scant teaspoon of bleach in 1 quart of water, and allowing it to sit on the surface to be sanitized for **at least 2 minutes** before rinsing or wiping. According to the manufacturer, after 24 hours the bleach mixture loses its ability to sanitize. However, bleach water may be kept longer than 24 hours if the **provider** tests the sanitizer with a test strip and the test strip indicates the bleach water registers at least 50 parts per million on the strip. *CFOC, 3rd Ed. Appendix J.*

When the manufacturer of a disinfecting product lists several times for a solution to be left on a surface for disinfecting, such as Quat, accept the shortest time because disinfecting is stronger than sanitizing.

If operated according to the manufacturer's instructions, a steam cleaner may be used to meet the requirement for both cleaning and sanitizing.

Peroxide air filtration systems clean the air of many viruses and germs but do not clean and sanitize surfaces. For this reason, air filtration systems **are not** a substitute for cleaning and sanitizing toys and equipment.

When providers choose to use a household product they must provide documentation and instructions showing that the solution is an effective sanitizer. The instructions must be followed and must come from a reputable source such as a university or government agency. For example, a solution of 5% white distilled vinegar, when heated to 150 degrees, sprayed on a surface while still warm, and allowed to sit for 1 minute, is an effective sanitizer.

Licensed Family 90-2:

(17) "School age" means kindergarten and older age children.

Residential Certificate 50-2:

(16) "School age" means kindergarten and older age children.

Rationale / Explanation

For a child to be considered school age, he/she must be at least five years old.

Licensed Family 90-2:

(18) "Sexual abuse" means abuse as provided in Utah Code, Section 76-5-404.1.

Residential Certificate 50-2:

(17) "Sexual abuse" means abuse as provided in Utah Code, Section 76-5-404.1.

Licensed Family 90-2:

(19) "Sexually explicit material" means any depiction of sexually explicit conduct, as defined in Utah Code, Section 76-5a-2(8).

Residential Certificate 50-2:

(18) "Sexually explicit material" means any depiction of sexually explicit conduct, as defined in Utah Code, Section 76-5a-2(8).

Licensed Family 90-2:

(20) "Sleeping equipment" means a cot, mat, crib, bassinet, porta-crib, play pen, or bed.

Residential Certificate 50-2:

(19) "Sleeping equipment" means a cot, mat, crib, bassinet, porta-crib, play pen, or bed.

Enforcement

Cribs, play-pens, play-yards, and porta-cribs are all sleeping equipment that will be assessed as cribs.

Licensed Family 90-2:

(21) "Stationary play equipment" means equipment such as a climber, a slide, a swing, a merry-go-round, or a spring rocker that is meant to stay in one location when a child uses it. Stationary play equipment does not include:

- (a) a sandbox;
- (b) a stationary circular tricycle;
- (c) a sensory table; or
- (d) a playhouse, if the playhouse has no play equipment, such as a slide, swing, ladder, or climber attached to it.

Residential Certificate 50-2:

(20) "Stationary play equipment" means equipment such as a climber, a slide, a swing, a merry-go-round, or a spring rocker that is meant to stay in one location when a child uses it. Stationary play equipment does not include:

- (a) a sandbox;
- (b) a stationary circular tricycle;
- (c) a sensory table; or
- (d) a playhouse, if the playhouse has no play equipment, such as a slide, swing, ladder, or climber attached to it.

Rationale / Explanation

Stationary play equipment must have clear use zones.

A trampoline is considered a piece of stationary play equipment.

If a playground component, such as a climbing rope or swing, is attached to a tree for the purpose of children to play on, then the tree will be assessed as a piece of stationary play equipment and requires an adequate use zone and cannot be over a hard surface.

Licensed Family 90-2:

(22) "Strangulation hazard" means something on which a child's clothes or something around a child's neck could become caught on a component of playground equipment. For example, bolt ends that extend more than two threads beyond the face of the nut, hardware configurations that form a hook or leave a gap or space between components, and open "S" type hooks.

Residential Certificate 50-2:

(21) "Strangulation hazard" means something on which a child's clothes or something around a child's neck could become caught on a component of playground equipment. For example, bolt ends that extend more than two threads beyond the face of the nut, hardware configurations that form a hook or leave a gap or space between components, and open "S" type hooks.

Licensed Family 90-2:

(23) "Substitute" means a person who assumes either the licensee's or a caregiver's duties under this rule when the licensee or caregiver is not present. This includes emergency substitutes.

Residential Certificate 50-2:

(23) "Substitute" means a person who assumes the certificate holder's duties under this rule when the certificate holder is not present. This includes emergency substitutes.

Licensed Family 90-2:

(24) "Supervision" means the function of observing, overseeing, and guiding a child or group of children.

Residential Certificate 50-2:

(22) "Supervision" means the function of observing, overseeing, and guiding a child or group of children.

Licensed Family 90-2:

(25) "Toddler" means a child aged 12 months but less than 24 months.

Residential Certificate 50-2:

(24) "Toddler" means a child aged 12 months but less than 24 months.

Licensed Family 90-2:

(26) "Unrelated children" means children who are not related children.

Residential Certificate 50-2:

(25) "Unrelated children" means children who are not related children.

Licensed Family 90-2:

(27) "Use zone" means the area beneath and surrounding a play structure or piece of equipment that is designated for unrestricted movement around the equipment, and onto which a child falling from or exiting the equipment could be expected to land.

Residential Certificate 50-2:

(26) "Use zone" means the area beneath and surrounding a play structure or piece of equipment that is designated for unrestricted movement around the equipment, and onto which a child falling from or exiting the equipment could be expected to land.

Rationale / Explanation

"Use zone" also means the area above a piece of stationary play equipment and cannot contain items such as tree branches and wires.

Protective cushioning is required in the area underneath and surrounding a piece of stationary play equipment, which would be included in the use zone.

Enforcement

Use zone measurements will be taken with a wood or metal measuring device and ½ inch allowance will be given for consistency.

Licensed Family 90-2:

(28) "Volunteer" means a person who provides direct care to a child but does not receive direct or indirect compensation for doing so. A volunteer is not included in the provider to child ratio.

Residential Certificate 50-2:

(27) "Volunteer" means a person who provides direct care to a child but does not receive direct or indirect compensation for doing so. A volunteer is not included in the provider to child ratio.